



General Assembly

January Session, 2013

Raised Bill No. 519

LCO No. 1534

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Referred to Committee on AGING

Introduced by:
(AGE)

***AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT
RESIDENTS' FEAR OF RETALIATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17b-403 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) The State Ombudsman shall serve on a full-time basis, and shall
5 personally or through representatives of the office:

6 (1) Identify, investigate and resolve complaints that:

7 (A) Are made by, or on behalf of, residents [or, as to complaints]
8 involving the application for admission to a long-term care facility, by
9 or on behalf of applicants; and

10 (B) Relate to action, inaction or decisions that may adversely affect
11 the health, safety, welfare or rights of the residents, including the
12 welfare and rights of the residents with respect to the appointment and
13 activities of guardians and representative payees, of (i) providers or

14 representatives of providers of long-term care services, (ii) public
15 agencies, or (iii) health and social service agencies;

16 (2) Provide services to protect the health, safety, welfare and rights
17 of the residents;

18 (3) Inform the residents about means of obtaining services provided
19 by providers or agencies described in subparagraph (B) of subdivision
20 (1) of this subsection or services described in subdivision (2) of this
21 subsection;

22 (4) Ensure that the residents and [as to issues involving
23 applications for admission to long-term care facilities, applicants]
24 applicants for admission to long-term care facilities have regular and
25 timely access to the services provided through the office and that [the]
26 residents and complainants receive timely responses from
27 representatives of the office to complaints;

28 (5) Represent the interests of the residents, and of applicants in
29 relation to issues concerning applications to long-term care facilities,
30 before governmental agencies and seek administrative, legal and other
31 remedies to protect the health, safety, welfare and rights of the
32 residents;

33 (6) Provide administrative and technical assistance to
34 representatives to assist the representatives in participating in the
35 program;

36 (7) (A) Analyze, comment on and monitor the development and
37 implementation of federal, state and local laws, regulations, and other
38 governmental policies and actions that pertain to the health, safety,
39 welfare and rights of the residents with respect to the adequacy of
40 long-term care facilities and services in this state and to the rights of
41 applicants in relation to applications to long-term care facilities;

42 (B) Recommend any changes in such laws, regulations, policies and

43 actions as the office determines to be appropriate; and

44 (C) Facilitate public comment on [the] such laws, regulations,
45 policies and actions;

46 (8) Advocate for:

47 (A) Any changes in federal, state and local laws, regulations and
48 other governmental policies and actions that pertain to the health,
49 safety, welfare and rights of residents with respect to the adequacy of
50 long-term care facilities and services in this state and to the health,
51 safety, welfare and rights of applicants which the State Ombudsman
52 determines to be appropriate;

53 (B) Appropriate action by groups or agencies with jurisdictional
54 authority to deal with problems affecting individual residents and the
55 general resident population and applicants in relation to issues
56 concerning applications to long-term care facilities; and

57 (C) The enactment of [legislative recommendations] legislation by
58 the General Assembly and [of regulatory recommendations]
59 regulations by commissioners of Connecticut state agencies;

60 (9) (A) Provide for training representatives of the office;

61 (B) Promote the development of citizen organizations to participate
62 in the program; and

63 (C) Provide technical support for the development of resident and
64 family councils to protect the well-being and rights of residents;

65 (10) Coordinate ombudsman services with the protection and
66 advocacy systems for individuals with developmental disabilities and
67 mental illnesses established under (A) Part A of the Development
68 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
69 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
70 1986 (42 USC 10801 et seq.);

71 (11) Coordinate, to the greatest extent possible, ombudsman services
72 with legal assistance provided under Section 306(a)(2)(C) of the federal
73 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
74 time to time, through the adoption of memoranda of understanding
75 and other means;

76 (12) Create, and periodically update as needed, a training manual
77 for nursing home facilities identified in section 19a-522c, as amended
78 by this act, that provides guidance on structuring and implementing
79 the training required by said section;

80 [(12)] (13) Provide services described in [subdivisions (1) to (11),
81 inclusive, of] this subsection, to residents under age sixty living in a
82 long-term care facility, if (A) a majority of the residents of the facility
83 where the younger person resides are over age sixty and (B) such
84 services do not weaken or decrease service to older individuals
85 covered under this chapter; and

86 [(13)] (14) Carry out such other activities and duties as may be
87 required under federal law.

88 Sec. 2. Section 19a-522c of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2013*):

90 A nursing home administrator of a chronic and convalescent
91 nursing home or a rest home with nursing supervision shall ensure
92 that all facility staff receive annual in-service training in (1) an area
93 specific to the needs of the patient population at such facilities, and (2)
94 residents' fear of retaliation from employees or others. A nursing home
95 administrator shall ensure that any person conducting the in-service
96 training is familiar with needs of the patient population at the facility,
97 provided such training need not be conducted by a qualified social
98 worker or qualified social worker consultant. A nursing home
99 administrator shall ensure that the in-service training in residents' fear
100 of retaliation includes discussion of (A) residents' rights to file
101 complaints and voice grievances, (B) examples of what might

102 constitute or be perceived as employee retaliation against residents,
103 and (C) methods of preventing employee retaliation and alleviating
104 residents' fear of such retaliation. In accordance with section 19a-36,
105 the Commissioner of Public Health shall amend the Public Health
106 Code in conformity with the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	17b-403(b)
Sec. 2	<i>October 1, 2013</i>	19a-522c

Section 1	<i>October 1, 2013</i>	17b-403(b)
Sec. 2	<i>October 1, 2013</i>	19a-522c

Statement of Purpose:

To require training of nursing home staff in the right of residents to file complaints, the residents' fear of retaliation and how to identify and prevent perceived and actual retaliation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]